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August 24, 1998

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED

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AUG 24 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **EX PARTE PRESENTATION**
In the Matter Of: Communications Assistance for Law Enforcement Act
/CC Docket No. 97-213

Dear Ms. Salas:

On August 24, 1998, representatives of the Department of Justice, Federal Bureau of Investigation, and Booz-Allen & Hamilton ("the Department") met with representatives of the Federal Communications Commission ("the Commission") to discuss the above-referenced matter. Present from the Department of Justice were Scott R. McIntosh, Stephen J. T'Kach, and Daniel L. Kaplan. Present from the Federal Bureau of Investigation were Michael Gallagher, Lynn Pierce, H. Michael Warren, and Dave Yarbrough. Present from Booz-Allen & Hamilton were Tanya Darden, Michael Hammer, Jason Kerben, Rajesh Puri, and Branden Ritchey. Present from the Commission were Susan Aaron, James Green, Charlene Lagerwerff, Kimberly Parker, Kelly Quinn, and Rodney Small.

The subject of this meeting was the merits of the positions taken by the Department in previous filings regarding the proper scope and substance of the rule the Commission will issue in connection with the Communications Assistance for Law Enforcement Act. Specifically, the parties discussed the "punch-list" capabilities which the Department maintains are required by the Act. The Department also distributed a set of illustrative handouts, which are attached to this letter.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter are enclosed. Copies of this letter are simultaneously being provided to the Commission representatives identified above.

Very truly yours,

Daniel L. Kaplan

Daniel L. Kaplan
Attorney, Appellate Staff

Attachment

cc: Susan Aaron, James Green, Christine Lagerwerff, Kimberly Parker, Kelly Quinn, Rodney Small

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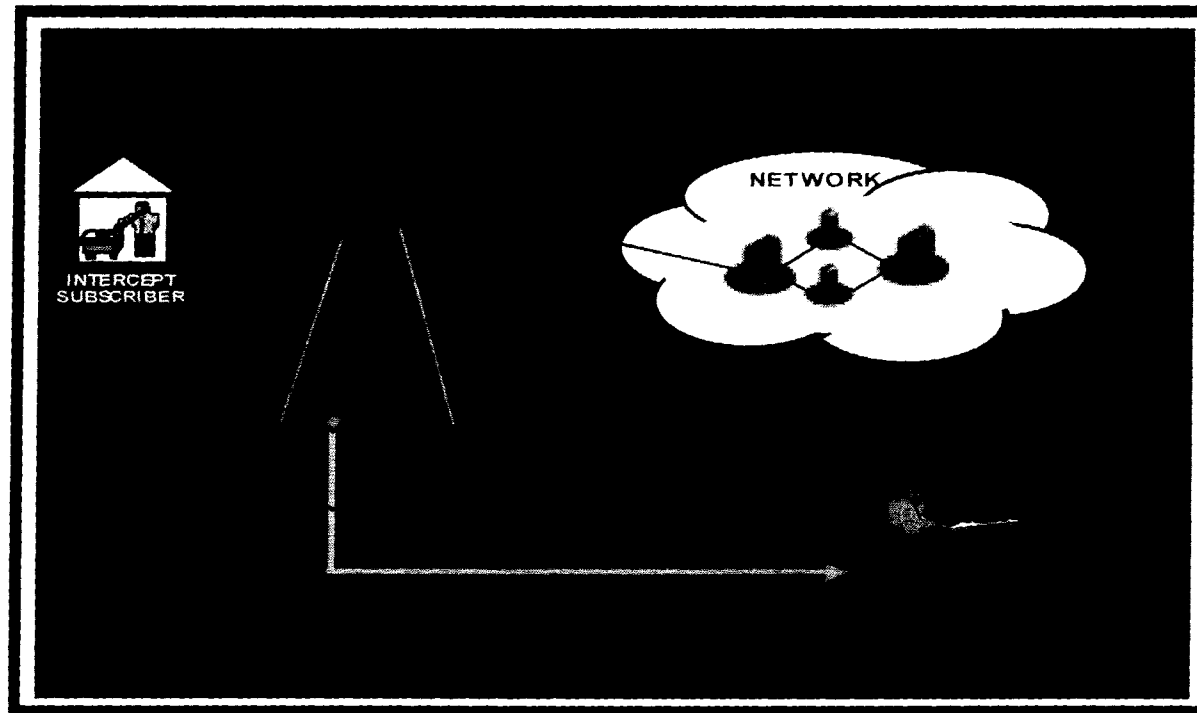
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COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT (CALEA)

ASSISTANCE CAPABILITY PRESENTATION

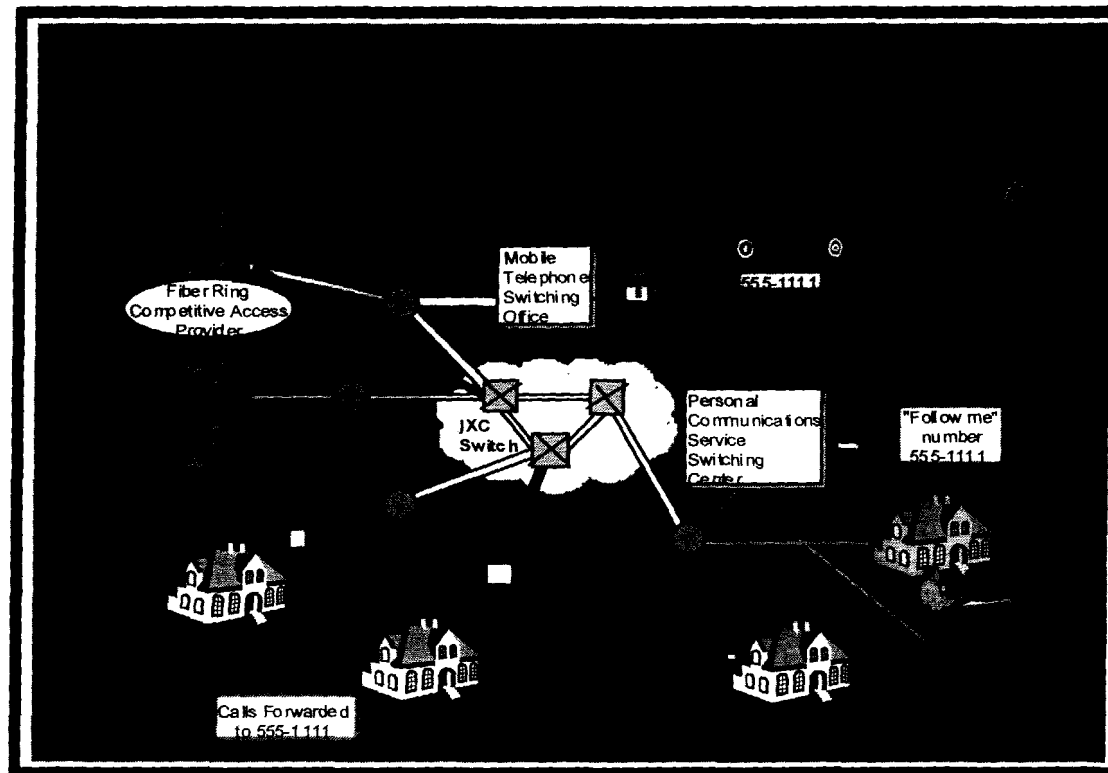
August 24, 1998

CONGRESS PASSED CALEA TO CORRECT THE IMBALANCE RESULTING FROM DEPLOYMENT OF SOPHISTICATED FEATURES AND SERVICES...



- Law enforcement conducted electronic surveillance by physically connecting to the local loop.
- Traditionally, all features and services available to criminals were available to law enforcement.
- Criminals' ability to use telecommunications to facilitate crime was matched by law enforcement's ability to stop it.

CONGRESS PASSED CALEA TO CORRECT THE IMBALANCE RESULTING FROM DEPLOYMENT OF SOPHISTICATED FEATURES AND SERVICES...



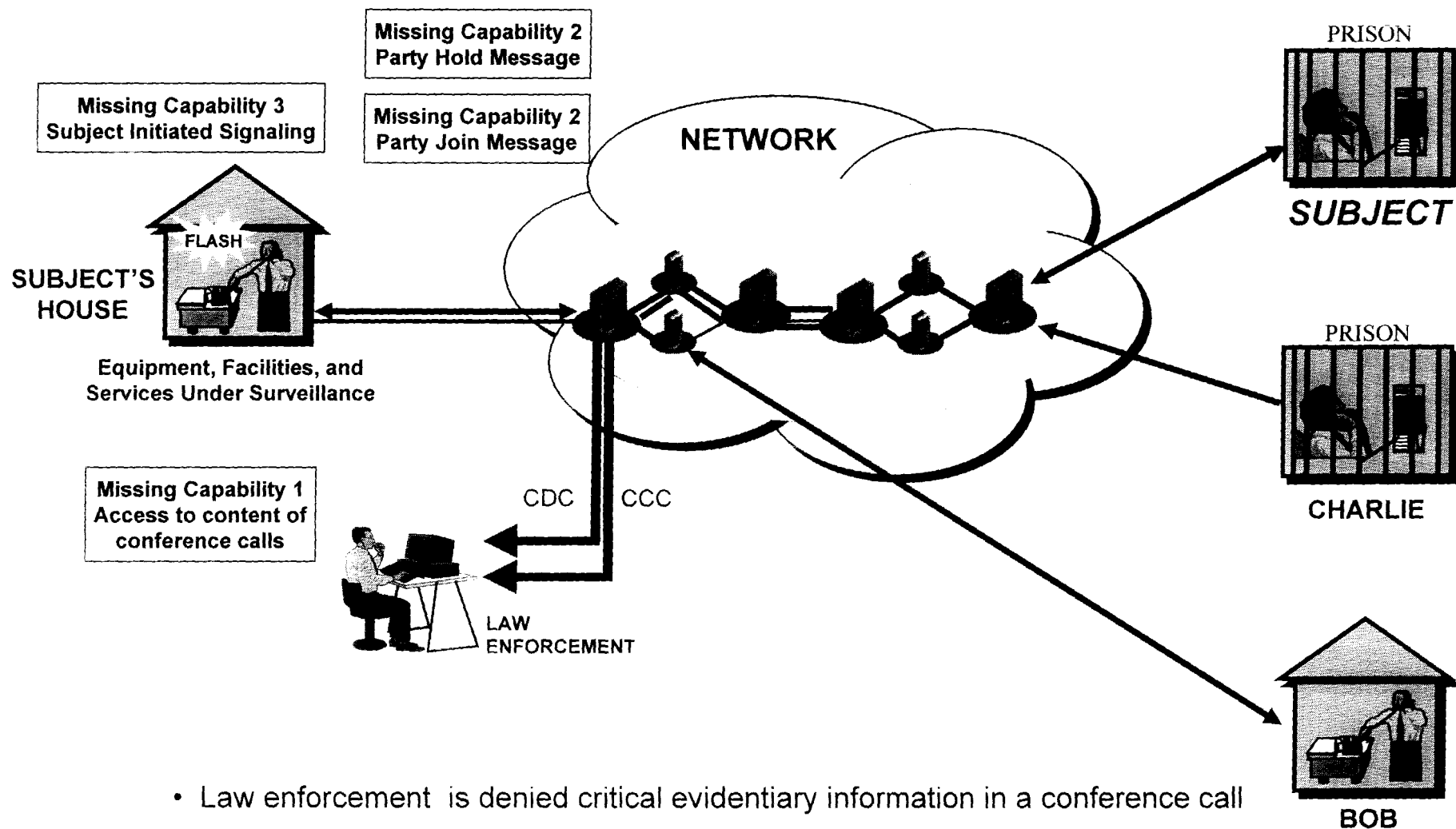
- As sophisticated, digital features and services were deployed, this balance tilted increasingly in favor of criminals.
- CALEA was enacted to ensure that new technologies and services do not hinder law enforcement's access to the communications of a subscriber... (H.Rpt. 103-827)
- J-STD-025 fails to deliver certain critical assistance capabilities necessary to conduct effective electronic surveillance.
- Result: criminals now regularly use features and services to evade electronic surveillance.

THE MISSING CAPABILITIES ARE SUPPORTED BY CONGRESSIONAL INTENT, LEGAL AUTHORITY, AND INVESTIGATIVE NEED

- The Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) have found the following assistance capabilities to be required by CALEA and supported by the underlying electronic surveillance statutes:
 1. Content of Conference Calls
 2. Party Hold, Party Join, Party Drop
 3. Subject Initiated Dialing & Signaling
 4. Notification Message
 5. Timely Delivery of Call Identifying Information
 6. Surveillance Status Message
 7. Continuity Check
 8. Feature Status Message
 9. Post-Cut-Through Dialed Digits
- Each assistance capability is necessary to satisfy evidentiary and minimization requirements demanded by a court of law.
- Each assistance capability is contemplated to ensure that law enforcement receive the same information to which it had access prior to the advent of sophisticated, digital features and services.
- Each missing capability was originally offered by industry.

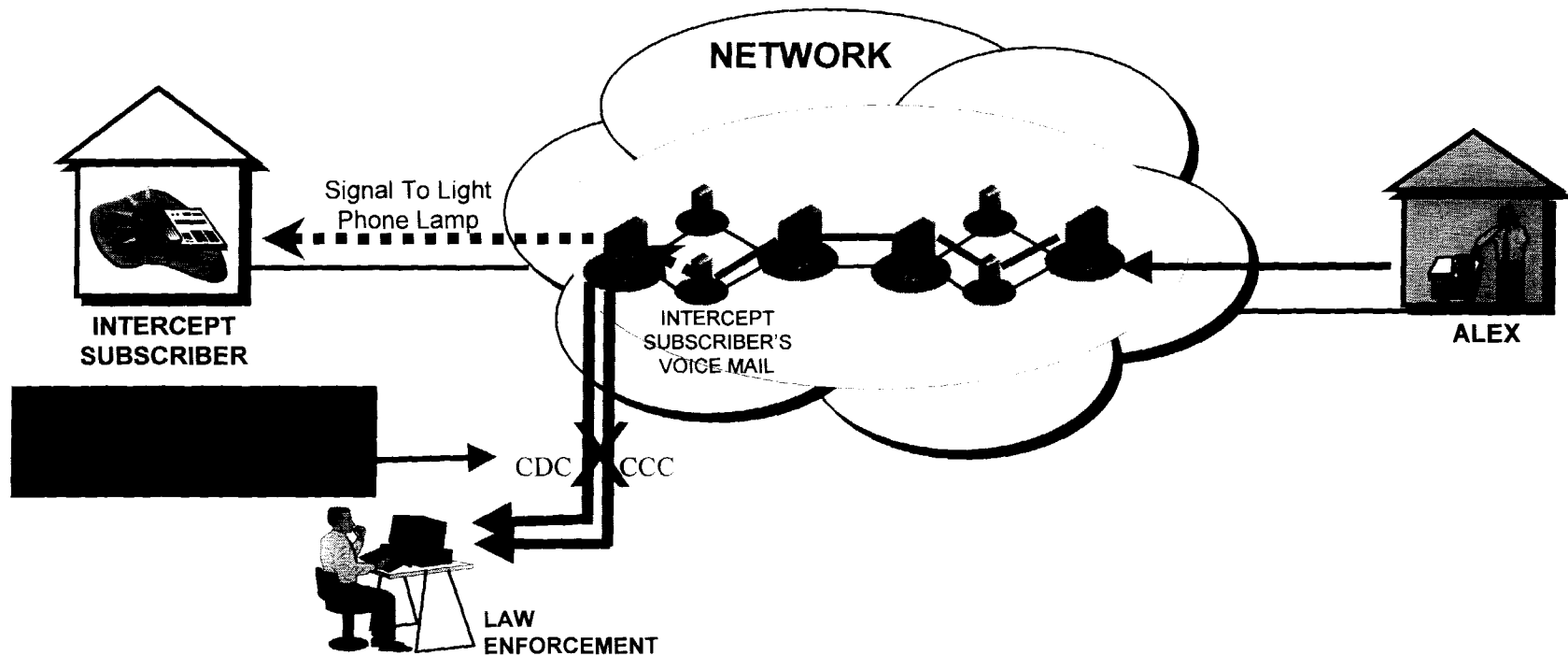
MISSING CAPABILITY ONE, TWO AND THREE...

EXAMPLE OF A CONFERENCE CALL



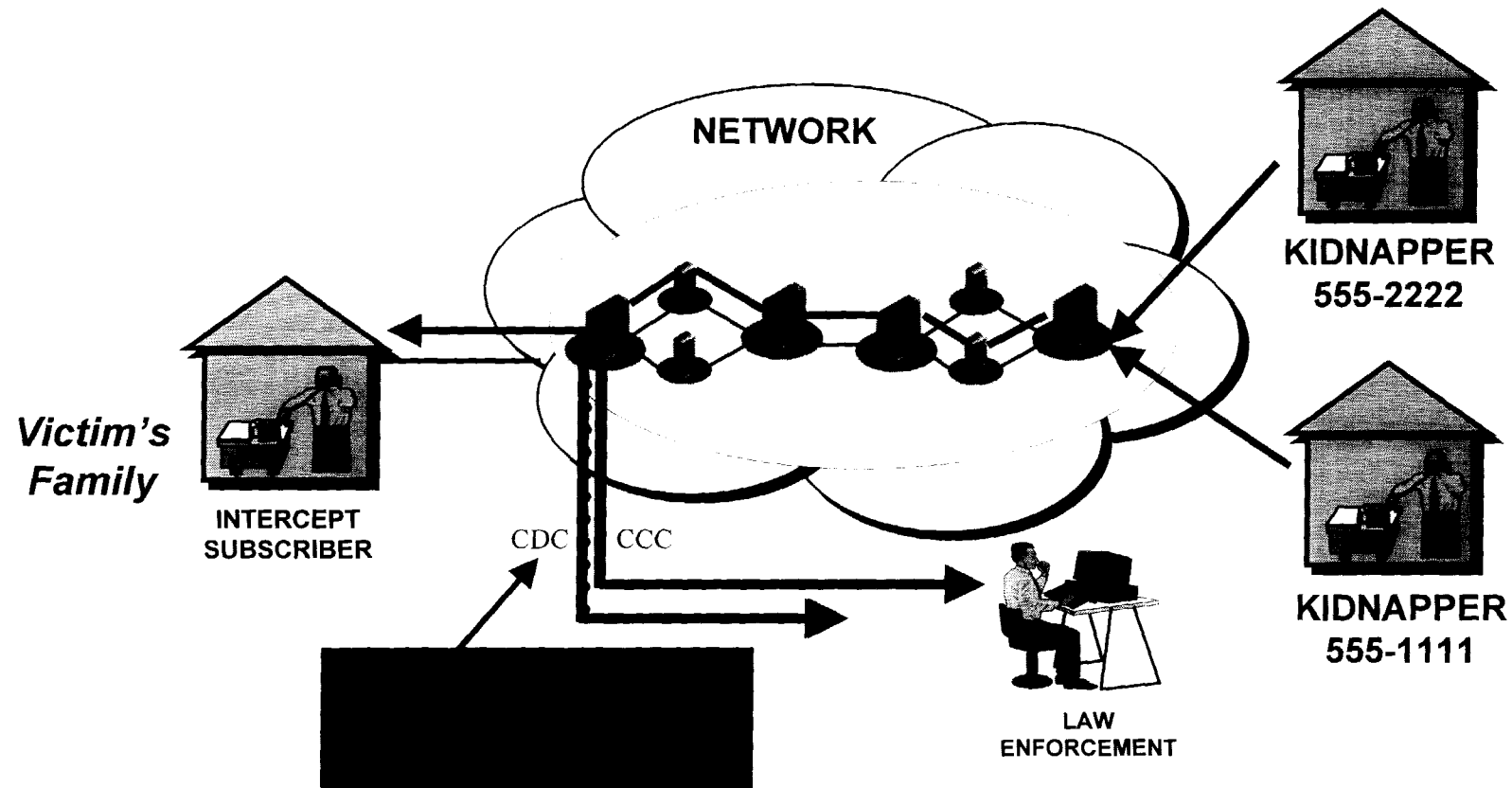
MISSING CAPABILITY FOUR...

EXAMPLE WHERE NOTIFICATION MESSAGE IS NEEDED



- Law enforcement would not be aware of signals that have meaning to criminals
- Law enforcement would not be prompted to use other methods to gain access to communications left at drop-off points

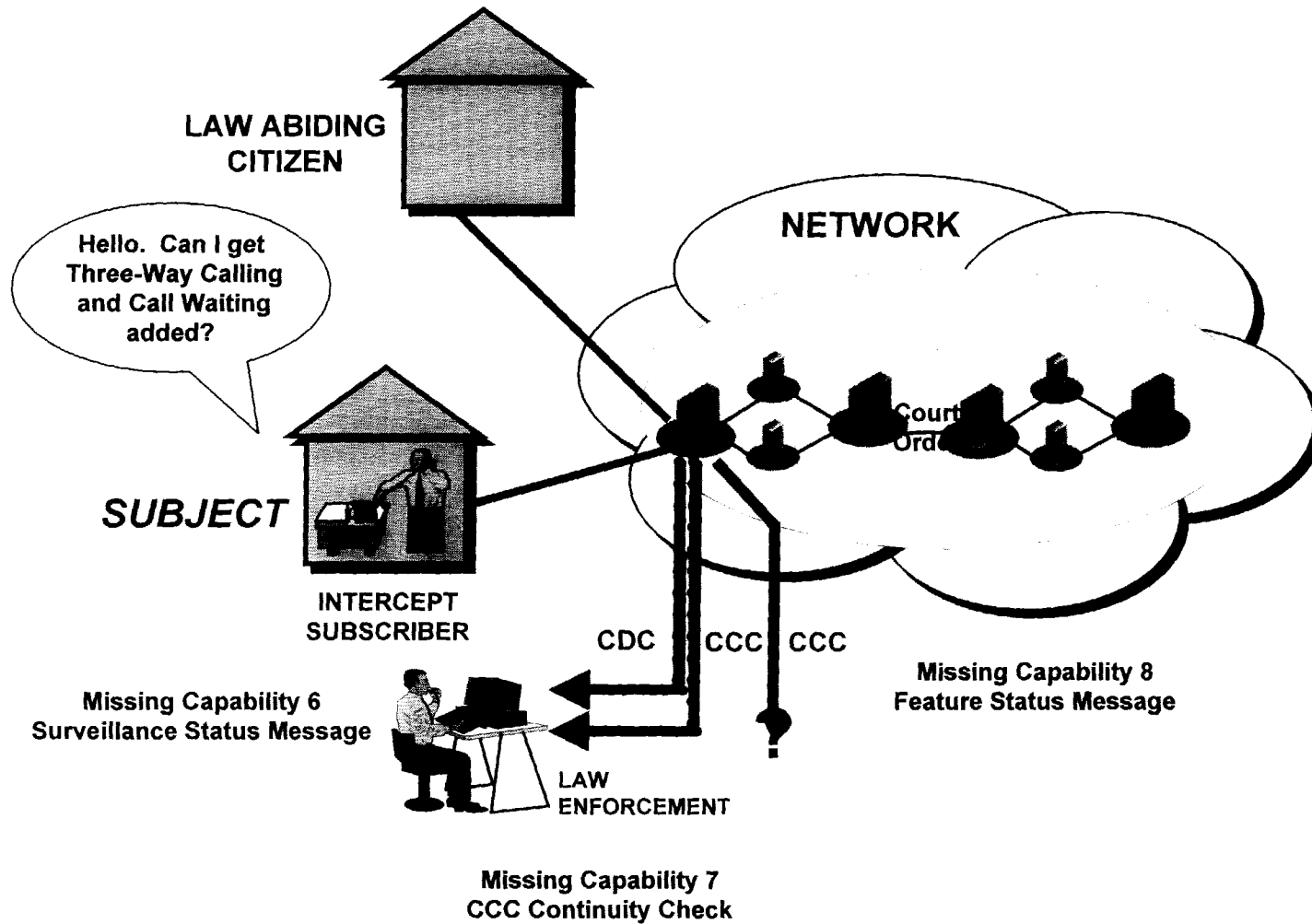
EXAMPLE OF THE IMPORTANCE OF TIMELY DELIVERY OF CALL-IDENTIFYING INFORMATION



- Law enforcement would not receive call-identifying information
- Law enforcement would not be able to correlate call-identifying information with call content

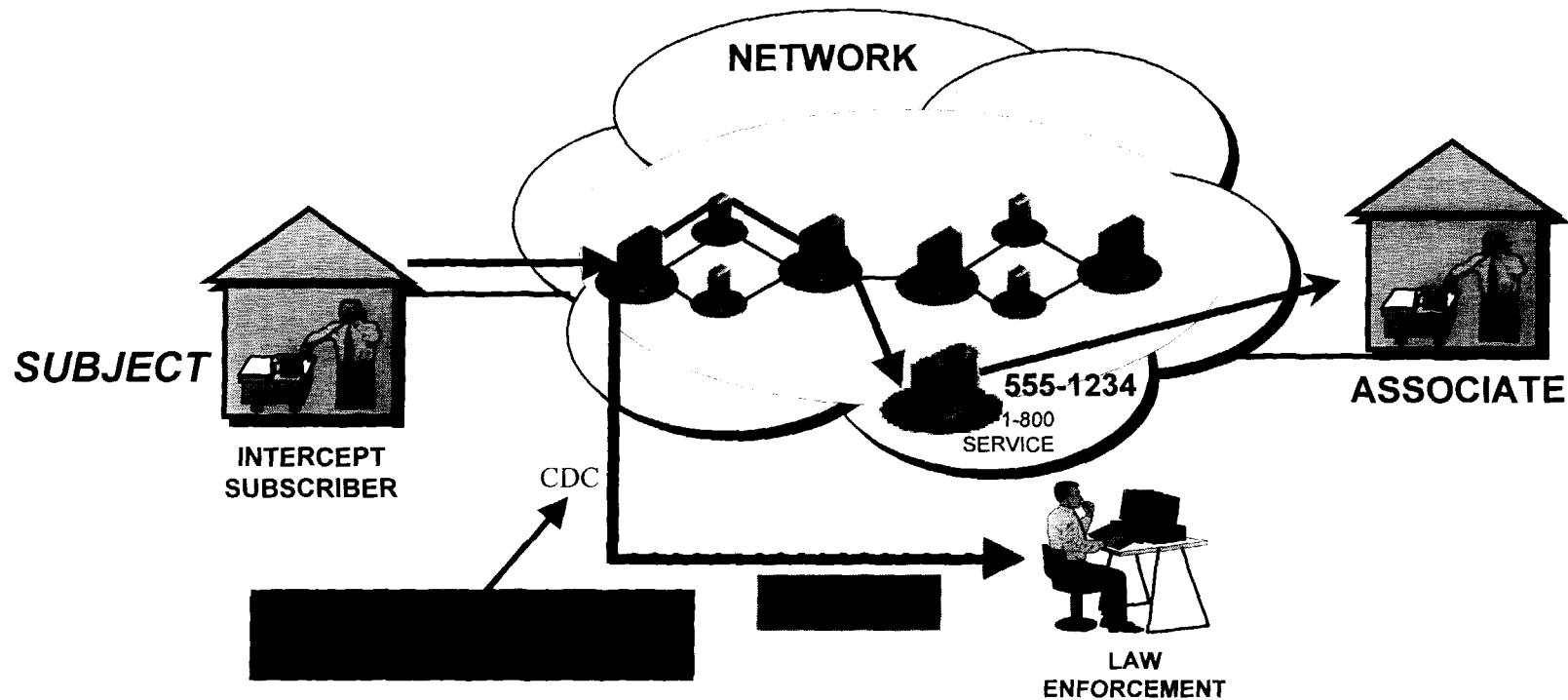
MISSING CAPABILITIES SIX, SEVEN, AND EIGHT...

EXAMPLE OF CAPABILITIES THAT ENSURE THE INTEGRITY OF A SURVEILLANCE



- Law enforcement would not be ensured of the integrity of the surveillance

EXAMPLE OF THE NEED FOR DIALED DIGIT EXTRACTION



- Law enforcement needs to know the phone number associated with the party who answers the call so that the party can be identified
- Law enforcement might learn that the associate is about to commit a life-threatening crime, but would not have enough information to react

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